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E.P.A. Emissions Plan Is Criticized as Harmful to the Environment

By MICHAEL JANOFSKY

WASHINGTON, April 3 — A draft regulation on emissions from oil refineries, chemical plants and other industrial operations has angered regional directors of the Environmental Protection Agency, who say they were not consulted on a change that they predicted would harm the environment.

Officials in 9 of the agency's 10 regional offices raised their concerns in an internal memorandum to E.P.A. officials that was dated Dec. 13 and made public Monday by the Natural Resources Defense Council, an environmental advocacy group.

The memorandum, written by Michael S. Bandrowski, chief of the air office in San Francisco, said he and his colleagues had "varying degrees of concern" about the proposal, which he characterized as a "drastic change in interpretation" of existing regulations under the Clean Air Act.

"The proposal, as written, would be detrimental to the environment," said the memorandum, which the defense council posted on its Web site.

The memorandum's disclosure comes two days before a Senate committee is to consider the confirmation of Bill Wehrum, President Bush's nominee to head the E.P.A.'s air office. As acting head of the office, Mr. Wehrum was in charge when the proposal was developed.

Elliott Negin, a spokesman for the defense council, said his office received the memorandum "recently," declining to elaborate "to protect the source."

Senator James M. Jeffords, independent of Vermont and ranking member of the Senate Committee on the Environment and Public Works, said in a statement that the "rationale and ramifications of this rule will be front and center" at the hearing on Mr. Wehrum, scheduled for Wednesday.

Bill Holbrook, a spokesman for the chairman of the committee, Senator James M. Inhofe of Oklahoma, said Mr. Inhofe knew "very little" about the proposed change, "other than it was drafted by career E.P.A. staff and has not been completely vetted by the administration."

Under existing rules, any industrial source that produces at least 25 tons of toxic pollutants a year must reduce them with the use of the best technologies available. Since 1990, the E.P.A. estimates that compliance with the rules has eliminated 1.7 million tons of hazardous air pollutants. The change would allow sources to stop applying the new technologies, and thus save money, if they have reduced emissions to below 25 tons and can keep them that low.

The E.P.A. said it was too soon to comment on the rule change. "This is a preliminary draft that is currently under development and internal review, which could change before E.P.A. issues it as a proposal," said Lisa Lybbert, a spokeswoman. "E.P.A. will seek public comment when it issues the proposal."

In his memorandum, Mr. Bandrowski warned that "allowing facilities to backslide would undermine the maximum achievable emissions reductions mandated by Congress."

He also quoted a section of the proposed change in which the E.P.A. dismissed the possibility that plants would take advantage of the change by raising their pollution levels to just below the threshold.

Plant operators would not do that, the proposal said, "to avoid negative publicity and to maintain their appearance as responsible businesses."